

Notice of Allowability

Application No.

10/670,962

Examiner

Gregory J. Strimbu

Applicant(s)

HETHERINGTON ET AL.

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 9/14/05 and the tele. int. of 11/18/05.
2. ☒ The allowed claim(s) is/are 10-12,14-21 and 23-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11/25/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Goran P. Stojkovich on November 18, 2005.

The application has been amended as follows:

In the abstract:

rewrote the abstract as follows:

--A lift handle for building systems such as door assemblies and window assemblies. The handle comprising a flange and a channel disposed proximate the flange. The flange comprises a first surface and a second surface. The first surface is adapted to be coupled with the frame of the door or window assembly and the channel is adapted to be coupled with a nailing fin of the frame for moving the frame via the nailing fin.--

In the claims:

canceled claims 1-4, 6-8, and 27-30

claim 10,

line 2, changed the first occurrence of "a" to --one of a door frame and a

Art Unit: 3634

window--

changed line 4 to --channel extending from the flange, the first surface removably engaging the--

line 5, changed "adapted to be coupled with" to --removably receiving and engaging-- and inserted --for carrying the frame via the nailing fin-- following "fin"

claim 14,

line 3, deleted ", the channel adapted to receive the nailing fin"

claim 17,

line 1, changed "thither" to --further--

rewrote claim 18 as follows:

--18. A method of carrying with a handle a frame of a door or a window, the handle comprising a flange comprising a first surface and a second surface, the method comprising:

engaging the first surface with the frame; and

engaging a nailing fin of the frame within a channel of the handle, the channel extending from the flange, wherein the frame is carried via the nailing fin.--

claim 19,

line 2, deleted ", the channel adapted to"

Art Unit: 3634

line 3, deleted "receive the nailing fin"

rewrote claim 21 as follows:

--21. The method of claim 18, wherein the handle comprises means for securing the channel and the nailing fin.--

rewrote claim 23 as follows:

--23. The method of claim 18, wherein the handle comprises a grip disposed substantially orthogonal to the channel.--

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach the combination of a door frame or a window frame comprising a nailing fin and a handle comprising a flange having first and second surfaces and a channel extending from the flange, the first surface removably engaging the frame and the channel removably receiving and engaging the nailing fin for carrying the frame via the nailing fin. See claim 10, lines 1-5. Additionally, the prior art of record fails to teach A method of carrying with a handle a frame of a door or a window, the handle comprising a flange comprising a first surface and a second surface, the method comprising: engaging the first surface with the frame; and engaging a nailing fin of the frame within a channel of

Art Unit: 3634

the handle, the channel extending from the flange, wherein the frame is carried via the nailing fin. See claim 18, lines 1-6.

Although the prior art of record teaches handles comprising flanges having channels that receive planar members and also teaches frames having nailing fins, the prior art of record fails to teach the combination of the handle and the nailing fin. In other words, the prior art of record fails to teach attaching a handle to a nailing fin for moving the frame via the nailing fin. Finally, it should be noted that the term nailing fin has a specific meaning in the art and therefore cannot be construed to mean any flange type member extending from a frame. See paragraphs 27 and 28 of the instant application wherein the applicant defines a nailing fin as it is known in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a stylized flourish extending from the end.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
November 25, 2005